



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

Permit No. 981-1707-00  
Expiration Date: May 31, 2008

## SCIENTIFIC RESEARCH PERMIT TO TAKE MARINE MAMMALS

### Authorization

**Peter L. Tyack, Ph.D., Biology Department, Woods Hole Oceanographic Institution, MS #34, Redfield 1-32, 46 Water Street, Woods Hole, Massachusetts 02543**, is hereby authorized to take marine mammals in the manner specified below for the purpose of scientific research, subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), and the regulations governing endangered fish and wildlife permits (50 CFR parts 222-226). Researchers may conduct activities by the means and for the purposes described in the application except as limited by the terms and conditions of this Permit.

### Abstract

The purpose of the authorized research, as stated in the application, is to study the biology, foraging ecology, communication, and behavior of a variety of cetacean species, including endangered whales, with a focus on their responses to anthropogenic sounds in the marine environment. The research is divided into three projects which use as their principle sampling technique the short-term tagging (via suction cup mounted instruments) of marine mammals with an advanced digital sound recording tag (DTAG) that can record the acoustic stimuli an animal hears, while also measuring the whale's vocal, behavioral, and physiological responses to sound. The proposed projects involve potential takes by harassment during close approaches for behavior observation and photo-identification, attachment of tags, focal follows (*i.e.*, following a tagged whale to observe its behavior), and controlled exposure to playbacks of a whale-finding sonar, airgun sounds, and/or sperm whale (*Physeter macrocephalus*) social vocalizations (codas). When the DTAGs are retrieved after release, small fragments of sloughed skin are often found in the suction cup. These tissue samples will be exported from field sites and imported for genetic analyses. Research will occur in the North Atlantic, including the Gulf of Mexico, and the Mediterranean Sea over a five-year period.

Project 1 involves studying the baseline behavior of tagged animals. The goals of Project 1 are to:  
1) obtain continuous sampling of marine mammal vocal and motor behavior, 2) provide a basis



for determining correction factors to visual sighting data, and 3) serve as an additional control group for the playbacks of Projects 2 and 3.

For Project 2, tagged animals will be used as test subjects in controlled tests of a whale-finding sonar in the Mediterranean Sea. Maximum received level will be 160 dB re 1  $\mu$ Pa rms. Playbacks of sperm whale codas will be used as a control stimulus. The goal of Project 2 is to validate the effectiveness of a whale-finding sonar, to calibrate measurements of the target strength of marine mammals as a function of aspect, and to assess the received levels at which animals that can hear the sonar may start to show changes in behavior.

For Project 3 the responses of tagged sperm whales to short impulses from airgun arrays at received levels no higher than 180 dB re 1  $\mu$ Pa rms will be studied in the Gulf of Mexico. Playbacks of sperm whale codas will be used as a control stimulus. These studies will involve visual observations of surfacing sperm whales, passive acoustic tracking of diving sperm whales, and tagging sperm whales with DTAGs. The primary research objective of the Project 3 airgun playbacks is to determine what characteristics of exposure to specific sounds evoke behavioral responses in marine mammals.

A. Number and Kind(s) of Marine Mammals and Location(s) [50 CFR 217.36(a)(i)]

1. The following tables outline the number of animals, by species, authorized to be taken and the activities authorized to be performed on each animal. The Researchers [Principal Investigator (PI), and/or Co-Investigator(s) (CI(s))] may conduct research activities in the North Atlantic, including the Gulf of Mexico, and Mediterranean Sea.
2. Take tables
  - a. Project 1: Baseline tagging

Species	Max Annual # tagging takes	Max Annual # close approach takes	Max Annual # focal follow takes	Goal # Playbacks	Max Annual # playback takes	Location
Humpback whale ( <i>Megaptera novaeangliae</i> )	30	135	90	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Minke whale ( <i>Balaenoptera acutorostrata</i> )	30	135	90	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Bryde's whale ( <i>Balaenoptera edeni</i> )	30	135	90	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Sei whale ( <i>Balaenoptera borealis</i> )	0	0	0	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)

Fin whale ( <i>Balaenoptera physalus</i> )	30	90	60	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Blue whale ( <i>Balaenoptera musculus</i> )	0	0	0	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Sperm whale ( <i>Physeter macrocephalus</i> )	100	450	40	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Beaked whales ( <i>Mesoplodon</i> spp.)	100	1200	300	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Cuvier's beaked whale ( <i>Ziphius cavirostris</i> )	100	1200	300	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Bottlenose whale ( <i>Hyperoodon ampullatus</i> )	100	1200	300	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Pilot whales ( <i>Globicephala</i> spp.)	100	2000	1000	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Bottlenose dolphin (excluding mid-Atlantic coastal stock) ( <i>Tursiops truncatus</i> )	100	2000	1000	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Common dolphin ( <i>Delphinus delphis</i> and <i>D. capensis</i> )	100	2000	1000	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Atlantic spotted dolphin ( <i>Stenella frontalis</i> )	100	2000	1000	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Pantropical spotted dolphin ( <i>Stenella attenuata</i> )	100	2000	1000	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Striped dolphin ( <i>Stenella coeruleoalba</i> )	100	2000	1000	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Spinner dolphin ( <i>Stenella longirostris</i> )	100	2000	1000	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Clymene dolphin ( <i>Stenella clymene</i> )	100	2000	1000	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Rough-toothed dolphin ( <i>Steno bredanensis</i> )	100	2000	1000	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Fraser's dolphin ( <i>Lagenodelphis hosei</i> )	100	2000	1000	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Kogia spp. ( <i>K. simus</i> and <i>K. breviceps</i> )	100	1200	300	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Risso's dolphin ( <i>Grampus griseus</i> )	100	2000	1000	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Killer whale ( <i>Orcinus orca</i> )	100	2000	1000	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
False Killer whale ( <i>Pseudorca crassidens</i> )	100	2000	1000	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)
Melon-headed whale ( <i>Peponocephala electra</i> )	100	2000	1000	N/A	N/A	North Atlantic (including Med and Gulf of Mexico)

b. Project 2: Whale-finding sonar tests

Species	Max Annual # tagging takes	Max Annual # close approach takes	Max Annual # focal follow takes	Max Annual # playback takes	Location
Minke whale ( <i>Balaenoptera acutorostrata</i> )	30	135	90	400	Mediterranean
Fin whale ( <i>Balaenoptera physalus</i> )	30	90	60	400	Mediterranean
Sperm whale ( <i>Physeter macrocephalus</i> )	50	450	40	400	Mediterranean
Beaked whales ( <i>Mesoplodon</i> spp.)	0	0	0	400 incidental	Mediterranean
Cuvier's beaked whale ( <i>Ziphius cavirostris</i> )	0	0	0	200 incidental	Mediterranean
Pilot whales ( <i>Globicephala</i> spp.)	100	2000	1000	2000	Mediterranean
Bottlenose dolphin ( <i>Tursiops truncatus</i> )	100	2000	1000	2000	Mediterranean
Common dolphin ( <i>Delphinus delphis</i> )	100	2000	1000	2000	Mediterranean
Striped dolphin ( <i>Stenella coeruleoalba</i> )	100	2000	1000	2000	Mediterranean
Rough-toothed dolphin ( <i>Steno bredanensis</i> )	100	2000	1000	2000	Mediterranean
Kogia spp. ( <i>K. simus</i> and <i>K. breviceps</i> )	0	0	0	400 incidental	Mediterranean
Risso's dolphin ( <i>Grampus griseus</i> )	100	2000	1000	2000	Mediterranean
Killer whale ( <i>Orcinus orca</i> )	100	2000	1000	2000	Mediterranean
False Killer whale ( <i>Pseudorca crassidens</i> )	100	2000	1000	2000	Mediterranean

c. Project 3: Airgun array tests

Species	Max Annual # tagging takes	Max Annual # close approach takes	Max Annual # focal follow takes	Maximum # Playbacks	Max Annual # playback takes	Location
Humpback whale ( <i>Megaptera novaeangliae</i> )	0	0	0	0	12 incidental	Gulf of Mexico
Minke whale ( <i>Balaenoptera acutorostrata</i> )	0	0	0	0	2 incidental	Gulf of Mexico
Bryde's whale ( <i>Balaenoptera edeni</i> )	0	0	0	0	12 incidental	Gulf of Mexico
Sei whale ( <i>Balaenoptera borealis</i> )	0	0	0	0	2 incidental	Gulf of Mexico
Fin whale ( <i>Balaenoptera physalus</i> )	0	0	0	0	2 incidental	Gulf of Mexico
Blue whale ( <i>Balaenoptera musculus</i> )	0	0	0	0	2 incidental	Gulf of Mexico
Sperm whale ( <i>Physeter macrocephalus</i> )	100	900	100	20	400	Gulf of Mexico
Beaked whales ( <i>Mesoplodon</i> spp.)	0	0	0	0	400 incidental	Gulf of Mexico
Cuvier's beaked whale ( <i>Ziphius cavirostris</i> )	0	0	0	0	200 incidental	Gulf of Mexico
Pilot whales ( <i>Globicephala</i> spp.)	0	0	0	0	2000 incidental	Gulf of Mexico
Bottlenose dolphin ( <i>Tursiops truncatus</i> )	0	0	0	0	2000 incidental	Gulf of Mexico
Common dolphin ( <i>Delphinus delphis</i> and <i>D. capensis</i> )	0	0	0	0	2000 incidental	Gulf of Mexico
Atlantic spotted dolphin ( <i>Stenella frontalis</i> )	0	0	0	0	2000 incidental	Gulf of Mexico
Pantropical spotted dolphin ( <i>Stenella attenuata</i> )	0	0	0	0	2000 incidental	Gulf of Mexico
Striped dolphin ( <i>Stenella coeruleoalba</i> )	0	0	0	0	2000 incidental	Gulf of Mexico
Spinner dolphin ( <i>Stenella longirostris</i> )	0	0	0	0	2000 incidental	Gulf of Mexico
Clymene dolphin ( <i>Stenella clymene</i> )	0	0	0	0	2000 incidental	Gulf of Mexico
Rough-toothed dolphin ( <i>Steno bredanensis</i> )	0	0	0	0	2000 incidental	Gulf of Mexico
Fraser's dolphin ( <i>Lagenodelphis hosei</i> )	0	0	0	0	2000 incidental	Gulf of Mexico
Kogia spp. ( <i>K. simus</i> and <i>K. breviceps</i> )	0	0	0	0	400 incidental	Gulf of Mexico
Risso's dolphin ( <i>Grampus griseus</i> )	0	0	0	0	2000 incidental	Gulf of Mexico
Killer whale ( <i>Orcinus orca</i> )	0	0	0	0	2000 incidental	Gulf of Mexico
False Killer whale ( <i>Pseudorca crassidens</i> )	0	0	0	0	2000 incidental	Gulf of Mexico
Melon-headed whale ( <i>Peponocephala electra</i> )	0	0	0	0	2000 incidental	Gulf of Mexico

3. Sloughed skin which can be obtained when suction-cup tags detach from an animal or found floating from free-swimming animals may be collected and preserved for analysis. These tissue samples may be imported and exported worldwide for genetic analyses.
4. The species/numbers of animals listed in Table 1 may be approached<sup>1</sup> as many times as necessary in the specified geographic locations during the conduct of behavioral observations, photo-identification, tagging and acoustic playback experiments, provided the animals are not harassed<sup>2</sup> more than three times per day. All age and sex classes may be approached for observational and photo-identification studies.

B. Research Conditions [50 CFR 216.36(b)]

1. General:
  - a. The following individuals may participate in the conduct of the research authorized herein as Co-investigators (CIs): Robin Baird, Nicoletta Biassoni, Alessandro Bocconcelli, J. Fabrizio Borsani, Carol Carson, Jonathon Gordon, Mark Johnson, Patrick Miller, Michael Moore, Douglas Nowacek, Simone Panigada, Susan Parks, Michela Podestá, Maria Elena Quero, Kenneth Shorter, Natacha Aguilar de Soto, Peter Stein, Peter Teglbjerg Madsen, and Valeria Telonia.
  - b. If one animal is killed or seriously injured as a result of the authorized activities, research must be suspended and the protocol reviewed and, if necessary, revised to the satisfaction of NMFS in consultation with the Marine Mammal Commission. The Permit Holder must submit in writing within 2 weeks, a report that includes a complete description of the events surrounding the incident and identification of steps that will be taken to

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<sup>1</sup> For purposes of this permit, an “approach” is described as a continuous sequence of vessel maneuvers (episode), including drifting, directed toward a whale or group of whales for the purpose of conducting authorized research which involves one or more instances of coming closer than 100 yards to that whale or group of whales.

<sup>2</sup> For purposes of this permit, “harassment” is considered to have occurred if an animal exhibits an abrupt disruption of its normal behavior immediately after any act or omission of an act by a researcher. A disturbance or disruption of an animal’s normal behavior shall be considered to be any of the following: a rapid change in direction or speed; escape tactics such as prolonged diving, underwater course changes, underwater exhalation or evasive swimming patterns; interruptions of breeding, nursing, or resting activities; attempts by a whale to shield a calf from a vessel or human observer by tail swishing or by other protective movements; or the abandonment of a previously frequented area.

reduce the potential for additional accidents. The Permit Holder must send this report to the Chief, Permits, Conservation and Education Division, F/PR1, 1315 East-West Highway, Silver Spring, MD 20910. Research may recommence upon review of that information and authorization by the Chief, Permits, Conservation and Education Division.

- c. This Permit specifically does not authorize the conduct of research activities aboard or in cooperation with organizations that do both research and whale watching and any vessel or aircraft engaged in commercial whale watching or other commercial recreational activities. Further, this Permit does not authorize the cooperation with any vessel or aircraft carrying any nonessential passengers (*i.e.*, not essential for the conduct of the research) who either pay a fee in return for being allowed onboard the vessel or aircraft or who, prior to or after the trip, give “donations” to the Holder, Principal investigator, Co-investigators, or research assistants.

2. Specific:

- a. When conducting activities near females with calves, researchers:
  - 1) Must immediately terminate efforts if there is any evidence that the activity may be interfering with pair-bonding or nursing; and
  - 2) Must not position the research vessel between the mother and calf.
- b. Researchers will not tag calves less than 6 months of age or females accompanying calves less than 6 months of age.
- c. To minimize disturbance and avoid a startle response of the subject animal, the Permit Holder must exercise caution when approaching animals and must retreat from animals if behaviors indicate the approach may be interfering with pair bonding, nursing, reproduction, feeding, or other vital functions.
- d. A tag attachment attempt or a playback episode shall be discontinued if an animal exhibits a strong adverse reaction to the tagging or playback activity or the vessel (*e.g.*, breaching, tail lobbing, underwater exhalation, or disassociation from the group).
- e. If a northern right whale (*Eubalaena glacialis*) is observed in the area during the course of activities authorized under this Permit, the researchers will maintain a distance of at least 460 meters (500 yards) and immediately

report the sighting and location data to the U.S. Coast Guard, New England Aquarium or the NMFS Regional Administrator.

- f. Biological samples: All specimen materials collected or obtained under this authority shall be maintained according to accepted curatorial standards. After completion of initial research goals, any remaining samples shall be deposited into a *bona fide* scientific collection which meets the minimum standards of collection curation and data cataloging as established by the scientific community. Attached is section 216.37 of the Regulations Governing the Taking and Importing of Marine Mammals that contains additional conditions applicable to maintaining marine mammal parts. These regulations are made a part hereof.
- g. For sea turtles, the Holder must determine the distance to the 180 dB re 1  $\mu$ Pa isopleth of the airgun or airgun arrays for the playback experiments in the Gulf of Mexico to monitor the region between the airgun(s) and 180 dB isopleth for the presence of sea turtles before and during the experiment. If sea turtles are found within this distance, wait until the area is clear of turtles before proceeding with the experiment and cease the sounds if sea turtles enter the area. The Holder must include any observations of sea turtles in their annual report. This information must include location, description of steps taken to avoid take of sea turtles, and any effects that occur.

- 4. Expiration Date: Researchers may conduct activities authorized by this Permit through **May 31, 2008**.

C. Notification and Coordination Conditions

- 1. Notification: For NMFS to coordinate activities authorized herein with other research that may be occurring in the same area, the Permit Holder must notify the following Assistant Regional Administrator(s) at least two weeks prior to initiation of the research. This notification must include specific dates, locations, and participants (*i.e.*, all CIs and research assistants) involved in the study.

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298;  
phone (508)281-9346; fax (508)281-9371

Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL  
33702-2432; phone (727)570-5301; fax (727)570-5517

- 2. NMFS observers: NMFS Regional Offices are responsible for coordinating research activities within their jurisdictions and reserve the right to place



observer(s) on research vessels and/or aircraft to monitor the effects of authorized activities on the animals and provide the Permit Holder with sufficient notice to ensure that adequate accommodations will be provided to the observer(s).

3. Coordination: In order to avoid unnecessary duplicative research and unnecessary disturbance of animals, the Permit Holder must coordinate research authorized herein with other researchers conducting the same or similar studies on the same species, in the same locations and at the same time.

D. Reporting Conditions

1. Annual Reports: Each year the Permit is valid, the Permit Holder must submit an annual report by **December 31** each year, describing the specific activities that have been conducted. The annual report must be both tabular and narrative in nature. A blank table is attached to this Permit for your use.
  - a. The annual report must include, in tabular form:
    - 1) Species, age, sex;
    - 2) Activities conducted;
    - 3) Dates and location(s) of the research;
    - 4) Number of animals taken by each activity;
    - 5) Number of times each activity was performed on each animal;
    - 6) Tagging success rates;
    - 7) Number of playbacks conducted and maximum received levels obtained; and
    - 8) Number, species, and location of sea turtles observed.
  - b. The annual report must also include, in narrative form:
    - 1) A description of the animals' reactions to the tagging and playback activities and steps taken, if necessary, to minimize disturbance. Please include discussion on any short and long-term responses.

- 2) How the results of this reporting period demonstrate the accomplishments of your research goal and, if applicable, how such goals pertain to the species conservation plan;
  - 3) Based on your response to the above question, whether the Permit, as currently structured, allows for the further accomplishment of your research goals;<sup>3</sup>
  - 4) A description of when or if any results have been published or otherwise made public during the reporting period;
  - 5) A description of the activities planned for the forthcoming year, and steps that have been and will be taken to coordinate the research activities with the NMFS Regional Administrator(s) and other researchers.
2. Final Reports: The Researchers must submit a final report within 180 days after completion of the research. The report must include:
    - a. A reiteration of the objectives and a summary of the results of the research and how they pertain to or further the research goals stated in the permit applications and NMFS conservation plans; and
    - b. An indication of where and when the research results will be published.
  3. The Researchers must submit to the Director, Office of Protected Resources, NMFS, 1315 East-West Highway, Suite 13705, Silver Spring, MD 20910, all reports, and any papers or publications resulting from the research authorized herein.

E. Photography and Filming Conditions [216.36(b)]

1. The Permit Holder and all researchers working under this Permit must obtain prior approval by the NMFS Permits, Conservation and Education Division for the following:
  - a. Non-research related use of photographs, video and/or film that were taken to achieve the research objectives; and
  - b. All activities not essential to achieving the research objectives (*e.g.* still

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<sup>3</sup>Be advised that any major permit amendment requires at least 90-days to process, including a mandatory 30-day public comment period. For MMPA/ESA permits, re-initiation of consultation could add at least 135 days to that time.

photography, videotaping, motion picture film making). Such activities must not influence the conduct of research in any way.

2. The Permit Holder and researchers are hereby notified that failure to obtain NMFS approval prior to conducting or facilitating such activities will be considered a violation of the Permit. The Permit Holder and researchers must agree, upon request by NMFS, to make space available on the vessel or aircraft for a NMFS observer during any trips where activities identified in E.1.b. may be conducted.
3. Any commercial/documentary film approved for use must include a credit, acknowledgment, or caption indicating that the research was conducted under a permit issued by NMFS under the authority of the MMPA and/or the ESA.

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F. General Conditions [50 CFR 216.35]

1. The Permit Holder is ultimately responsible for all activities of any individual who is operating under the authority of the Permit. The Principal Investigator (PI) shares this responsibility.
2. Co-investigators (CIs) are individuals identified by the Holder or PI, and approved by the NMFS, who are qualified to conduct research activities authorized by the Permit without the on-site supervision of the Holder or PI.
  - a. Restrictions: Only the Holder, PI, or CI(s) may conduct the research activities authorized by this Permit. The qualifications and experience of the CI(s) must be commensurate with his/her assigned responsibilities.
  - b. CI designation: The Holder or PI must submit a CI designation request to the Chief, Permits, Conservation and Education Division, Office of Protected Resources. The request must include the individuals' resume, curriculum vitae, or bio-sketch, and duty(s) to be performed. Approval by NMFS is based on the individual's qualifications to perform the requested activity(s). To expedite this process, the letter and CV may be submitted by facsimile (301/713-0376) followed by mail confirmation. Research may commence upon review and letter of authorization from the Chief, Permits, Conservation and Education Division. The Holder or PI shall notify, in writing, any designated CI importing specimens under this Permit about limitations and conditions, and reporting requirements of this Permit.
3. Research Assistants are individuals who work under the direct supervision of the PI or CI(s) and who are authorized to record data and serve as safety observers and boat tenders.

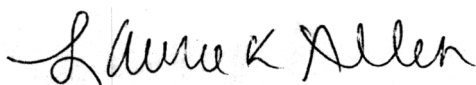
- a. Restrictions: With the exception of professional and/or experienced photographers/videographers (see 3.b. below) or licensed and/or experienced boat operators, Research Assistants are NOT authorized to carry out underwater observations and/or photography or to operate vessels. Paying interns are not authorized to operate vessels for research purposes under any circumstances. The qualifications and experience of the Research Assistant(s) must be commensurate with his/her assigned responsibilities.
  - b. Photographer/videographer: A professional and/or experienced videographer/photographer under the direct, on-site supervision of the Researchers [Holder, PI, or CI(s)], may conduct research activities requiring underwater observations and/or photography. The Holder, PI, or CI(s) must be present at all times when research is being conducted.
- 4. Persons who require state or Federal licenses to conduct activities authorized under the Permit must be duly licensed when undertaking such activities.
  - 5. For research conducted in a National Marine Sanctuary, the Permit Holder must consult with and, as appropriate, obtain the necessary permits from the National Marine Sanctuaries Office, National Ocean Service.
  - 6. The Permit Holder must consult with and obtain the necessary ESA permits for activities conducted in the State waters of Hawaii, Washington, and Alabama as well as from Guam and the Commonwealth of the Northern Marianas. Note that these permits are required in addition to this NMFS Permit, and that the authority of States, with respect to the ESA, does not supercede that of the NMFS, nor can States issue permits for the taking of marine mammals. In addition, before taking marine mammals in the territorial waters of a foreign country, the Permit Holder must secure consent from, and comply with the appropriate laws of that country.
  - 7. The PI and CI(s) cannot transfer or assign the Permit to any other person. The PI may request authorization to add a person to this Permit, but the PI cannot accept any direct or indirect compensation from the individual, in exchange for doing so.
  - 8. The PI and CI(s) and all other researchers operating under the authority of this Permit must possess a copy of Permit No. 981-1707-00 when engaged in a permitted activity, and as applicable, when a marine mammal is in transit incidental to such activity, and whenever marine mammals or marine mammal parts are in the possession of the Permit Holder, PI or CI(s). The Permit Holder, PI, or CI(s) must affix a copy of the Permit to any container, package, enclosure, or other means of containment, in which the marine mammals or marine mammal parts are placed for purposes of transit, supervision, or care. Any storage facility

repositing marine mammal parts must keep a copy of the Permit on file.

9. Inspection: Upon request of NMFS enforcement agents or personnel designated by the Director, Office of Protected Resources, the Permit Holder, PI and/or CI(s) must make available for inspection: records; facilities; marine mammals; marine mammal parts; copies of photographs, motion picture films, and/or video tapes; and any other information related to any inspection of records associated with this Permit.
10. Permit Amendments: The Director, Office of Protected Resources, National Marine Fisheries Service may amend the provision of this Permit in response to or independent of a request from the Permit Holder. Please allow at least 4 months to process major amendment requests, with additional time where endangered species are involved.
11. NMFS shall be the sole arbiter of whether a given activity is within the scope and bounds of the authorization granted in this Permit. The Holder is on notice that if the Holder is unsure whether an activity is within the scope of the Permit, the Holder should contact the NMFS Permits, Conservation and Education Division for verification before conducting the activity. Failure to verify, where NMFS subsequently determines that the activity was outside the scope of the Permit, may be used as evidence of a violation of the Permit, the MMPA, and the ESA in any enforcement actions.
12. Any falsification of information pertaining to the permitted activities, including information provided to NOAA personnel, will be considered a violation of the Permit.
13. The Permit Holder and PI, in signing this Permit and reading and understanding the “Definitions” (Attachment 1), have accepted and will comply with the provisions of this Permit, applicable Regulations (50 CFR Parts 216 and 222.308), the ESA and the MMPA.

G. Penalties and Permit Sanctions (216.40)

- 1 Any person who violates any provision of this Permit is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA, ESA or 15 CFR part 904 [Civil Procedures].
2. All permits are subject to suspension, revocation, modification, and denial in accordance with the provisions of subpart D [Permit Sanctions and Denials] of 15 CFR part 904.



Laurie Allen  
Acting Director  
Office of Protected Resources  
National Marine Fisheries Service

06/03/03

Date

Peter L. Tyack, Ph.D.  
Senior Scientist  
Woods Hole Oceanographic Institution

Date

## Attachment 1 : Definitions

### **DEFINITION OF TERMS COMMONLY FOUND IN SCIENTIFIC RESEARCH PERMITS**

acute behavioral response - Repeated, prolonged or excessive instances of behavior, brought on by any act or omission of the researcher and manifested by, among other actions on the part of the whale, a rapid change in direction or speed; escape tactics such as prolonged diving, underwater course changes, underwater exhalation, or evasive swimming patterns; interruptions of breeding, nursing, or resting activities, attempts by a whale to shield a calf from a vessel or human observer by tail swishing or by other protective movement; or the abandonment of a previously frequented area.

approach - a continuous sequence of maneuvers (episode) involving a vessel, aircraft, or researcher's body in the water, including drifting, directed toward a whale or group of whales for the purposes of conducting authorized research which involves one or more instances of coming closer than 100 yards to that whale or group of whales.

attempt - An effort made to accomplish some permitted activity. For example, a tag or biopsy dart deployment from either a crossbow, airgun or pole.

bona fide research - Scientific research on marine mammals conducted by qualified personnel, the results of which: 1) likely would be accepted for publication in a refereed scientific journal; 2) are likely to contribute to the basic knowledge of marine mammal biology or ecology; or 3) are likely to identify, evaluate or resolve conservation problems. Research that is not on marine mammals, but that may incidentally take marine mammals, is not included in this definition.

Co-Investigator, CI - The on-site representative of a principal investigator who has qualifications comparable to the PI.

harass(ment) - To disrupt the normal behavior or prior activity of a whale by any act or omission. This disruption of normal behavior may be manifested by, among other actions on the part of the whale, a rapid change in direction or speed; escape tactics such as prolonged diving, underwater course changes, underwater exhalation, or evasive swimming patterns; interruptions of breeding, nursing, or resting activities, attempts by a whale to shield a calf from a vessel or human observer by tail swishing or by other protective movement; or the abandonment of a previously frequented area.

hard parts - Any bone, tooth, baleen, treated pelt, or other part of a marine mammal that is relatively solid or durable.

humane - The method of taking, import, export, or other activity which involves the least possible degree of pain and suffering practicable to the animal involved.

intrusive research - A procedure conducted for bona fide scientific research involving: A break in or cutting of the skin or equivalent, insertion of an instrument or material into an orifice, introduction of a substance or object into the animal's immediate environment that is likely either to be ingested or to contact and directly affect animal tissue (i.e., chemical substances), or a stimulus directed at animals that may involve a risk to health or welfare or that may have an impact on normal function or behavior (i.e., audio broadcasts directed at animals that may affect behavior). For captive animals, this definition does not include: 1) A procedure conducted by the professional staff of the holding facility or an attending veterinarian for purposes of animal husbandry, care, maintenance, or treatment, or a routine medical procedure that, in the reasonable judgement of the attending veterinarian, would not constitute a risk to the health or welfare of the captive animal; or 2) A procedure involving either the introduction of a substance or object (i.e., as described in this definition) or a stimulus directed at animals that, in the reasonable judgement of the attending veterinarian, would not involve a risk to the health or welfare of the captive animal.

Level A harassment - Any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild.

Level B harassment - Any act of pursuit, torment, or annoyance which has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering by which does not have the potential to injure a marine mammal or marine mammal stock in the wild.

Permit Holder - Person, institution, or agency who is ultimately for all activities of any individual who is operating under the authority of the permit.

Ports, Designated and Border -

Designated Ports - U.S. Customs ports of entry that are designated for the importation or exportation of wildlife; they are:

- |                          |                    |
|--------------------------|--------------------|
| 1) Los Angeles, CA       | 8) New Orleans, LA |
| 2) San Francisco, CA     | 9) Honolulu, HI    |
| 3) Miami, FL             | 10) Chicago, IL    |
| 4) New York, NY          | 11) Seattle, WA    |
| 5) Dallas/Fort Worth, TX | 12) Boston, MA     |
| 6) Portland, OR          | 13) Atlanta, GA    |
| 7) Baltimore, MD         |                    |

Border Ports - Wildlife whose country of origin is Canada or the United States may be imported or exported at any of the following U.S. Customs ports of entry or "border ports". Authorization from a "designated port" is needed before entry.



- 1) Alaska - Alcon
- 2) Idaho - Eastport
- C. Maine - Calais, Houlton, Jackman
- 4) Massachusetts - Boston
- 5) Michigan - Detroit, Port Huron, Sault Sainte Marie
- 6) Minnesota - Grand Portage, International Falls, Minneapolis-St. Paul
- 7) Montana - Raymond, Sweetgrass
- 8) New York - Buffalo-Niagra Falls, Champlain
- 9) North Dakota - Dunseith, Pembina, Portal
- 10) Ohio - Cleveland
- 11) Vermont - Derby Line, Highgate Springs
- 12) Washington - Blaine, Sumas

Wildlife whose country of origin is Mexico or the United States may be imported or exported at any of the following U.S. Customs ports of entry or "border ports":

- 1) Arizona - Lukeville, Nogales
- 2) California - Calexico, San Diego-San Ysidro
- 3) Texas - Brownsville, El Paso, Laredo

Wildlife lawfully taken by U.S. residents in the United States, Canada or Mexico and imported or exported for noncommercial purposes, may be imported or exported at any U.S. Customs port of entry.

Principal Investigator, PI - The individual primarily responsible for the taking, importation, exportation, and any related activities conducted under a permit issued for scientific research or enhancement purposes. The PI must have qualifications, knowledge and experience relevant to the type of research activities authorized by the permit.

rehabilitation - Treatment of beached and stranded marine mammals taken with the intent of restoring the marine mammal's health and, if necessary, behavioral patterns.

Research Assistant, RA - Individual who works under the direct supervision of the CI or PI, and who is authorized to record data and/or serve as safety observer and/or boat tender. The RA is not authorized to carry out underwater observations and/or photography. The qualifications and experiences of the RA must be commensurate with his/her assigned responsibilities. If the RA is to operate a boat, they must be licensed and/or professionally trained and experienced in maneuvering vessels around marine mammals.

soft parts - Any marine mammal part that is not a hard part, e.g. blood, blubber, or other tissue samples. Soft parts do not include urine or fecal material.

stranded marine mammal - A marine mammal specimen under the jurisdiction of the Secretary of Commerce, if: 1) the specimen is dead and is on a beach or shore, or is in the water within the Exclusive Economic Zone of the U.S.; or 2) the specimen is alive, and is on a beach or shore and

is unable to return to the water, or is in the water within the Exclusive Economic Zone of the U.S. where the water is so shallow that the specimen is unable to return to its natural habitat under its own power.

take - To harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal (as defined in the MMPA). To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (as defined in the ESA). This includes, without limitation, any of the following: The collection of dead animals, or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in disturbing or molesting a marine mammal; and feeding or attempting to feed a marine mammal in the wild.

take table - An outline, by species, age, and sex, of the type of activity(ies) authorized, the number of takes per activity, the number of takes per individual, and the location of takes and activity(ies).

Attachment 2  
**50 CFR §216.37 Marine mammal parts.**

With respect to marine mammal parts acquired by take or import authorized under a permit issued under this subpart:

(a) Marine mammal parts are transferrable if:

(1) The person transferring the part receives no remuneration of any kind for the marine mammal part;

(2) The person receiving the marine mammal part is:

(i) An employee of NMFS, the U.S. Fish and Wildlife Service, or any other governmental agency with conservation and management responsibilities, who receives the part in the course of their official duties;

(ii) A holder of a special exception permit which authorizes the take, import, or other activity involving the possession of a marine mammal part of the same species as the subject part; or

(iii) In the case of marine mammal parts from a species that is not depleted, endangered or threatened, a person who is authorized under section 112(c) of the MMPA and subpart C of this part to take or import marine mammals or marine mammal parts;

(iv) Any other person specifically authorized by the Regional Director, consistent with the requirements of paragraphs (a)(1) and (a)(3) through (6) of this section.

(3) The marine mammal part is transferred for the purpose of scientific research, maintenance in a properly curated, professionally accredited scientific collection, or education, provided that, for transfers for educational purposes, the recipient is a museum, educational institution or equivalent that will ensure that the part is available to the public as part of an educational program;

(4) A unique number assigned by the permit holder is marked on or affixed to the marine mammal part or container;

(5) The person receiving the marine mammal part agrees that, as a condition of receipt, subsequent transfers may only occur subject to the provisions of paragraph (a) of this section; and

(6) Within 30 days after the transfer, the person transferring the marine mammal part notifies the Regional Director of the transfer, including a description of the part, the person to whom the part was transferred, the purpose of the transfer, certification that the recipient has agreed to comply with the requirements of paragraph (a) of this section for subsequent transfers, and, if applicable, the recipient's permit number.

(b) Marine mammal parts may be loaned to another person for a purpose described in paragraph (a)(3) of this section and without the agreement and notification required under paragraphs (a)(5) and (6) of this section, if:

(1) A record of the loan is maintained; and

(2) The loan is for not more than one year. Loans for a period greater than 12 months, including loan extensions or renewals, require notification of the Regional Director under paragraph (a)(6).

(c) Unless other disposition is specified in the permit, a holder of a special exception permit may retain marine mammal parts not destroyed or otherwise disposed of during or after a scientific research or enhancement activity, if such marine mammal parts are:

- (1) Maintained as part of a properly curated, professionally accredited collection; or
- (2) Made available for purposes of scientific research or enhancement at the request of the Office Director.

(d) Marine mammal parts may be exported and subsequently reimported by a permit holder or subsequent authorized recipient, for the purpose of scientific research, maintenance in a properly curated, professionally accredited scientific collection, or education, provided that:

- (1) The permit holder or other person receives no remuneration for the marine mammal part;
- (2) A unique number assigned by the permit holder is marked on or affixed to the marine mammal specimen or container;
- (3) The marine mammal part is exported or reimported in compliance with all applicable domestic and foreign laws;
- (4) If exported or reimported for educational purposes, the recipient is a museum, educational institution, or equivalent that will ensure that the part is available to the public as part of an educational program; and
- (5) Special reports are submitted within 30 days after both export and reimport as required by the Office Director under §216.38.

### Attachment 3: USFWS Inspectors

The address for each office listed below begins with:

U. S. Fish & Wildlife Service  
Division of Law Enforcement

<b>Anchorage</b> 605 W. 4th Avenue, Room 57 Anchorage, Alaska, USA 99501 Phone: (907) 271-6198 Fax: (907) 271-6199	<b>Honolulu - Designated</b> 3375 Koapaka St. #F275 Honolulu, Hawaii, USA 96819 Phone: (808) 861-8525 Fax: (808) 861-8515
<b>Houston</b> 4141 N. Sam Houston Pky. East Suite 260 Houston, Texas, USA 77032 Phone: (713) 672-4420 - Seaport Phone: (281) 821-5714 - Airport Fax: (281) 821-7993	<b>Baltimore - Designated</b> 40 S. Gay Street, #223 Baltimore, Maryland, USA 21202 Phone: (410) 865-2127 Fax: (410) 865-2129
<b>Laredo</b> Convent & Zaragoza Bridge #1, 200.9 Laredo, Texas, USA 78040 Phone: (956) 726-2234 Fax: (956) 726-3718	<b>Atlanta - Designated</b> P.O. Box 45287 Atlanta, Georgia, USA 30320 Phone: (404) 763-7959 Fax: (404) 763-7560
<b>Blaine</b> 9925 Pacific Highway Blaine, Washington, USA 98230 Phone: (360) 332-5388 Fax: (360) 332-3010	<b>Los Angeles - Designated</b> 370 Amapola Ave. #114 Torrance, California, USA 90501 Phone: (310) 328-6307 Fax: (310) 328-6399
<b>Boston - Designated</b> 120 Second Avenue Building 120 Boston, Massachusetts, USA 02129 Phone: (617) 242-7874 Fax: (617) 242-7609	<b>Miami - Designated</b> 10426 N.W. 31st Terrace Miami, Florida, USA 33172 Phone: (305) 526-2610 Fax: (305) 526-2695

<b>Brownsville</b> 1500 E. Elizabeth St. #239 Brownsville, Texas, USA 78520 Phone: (956) 504-2035 Fax: (956) 504-2289	<b>New Orleans - Designated</b> 2424 Edenborn, Room 100 Metairie, Louisiana, USA 70001 Phone: (504) 589-4956 Fax: (504) 589-4939
<b>Buffalo</b> 405 N. French Road #120 B Amherst, New York, USA 14228 Phone: (716) 691-3635 Fax: (716) 691-3990	<b>New York - Designated</b> 70 E. Sunrise Hwy. #419 Valley Stream, New York, USA 11580 Phone: (516) 825-3950 Fax: (516) 825-1929 - Inspectors Fax: (516) 825-3597 - Special Agents
<b>Chicago - Designated</b> Wildlife Inspection Program P.O. Box 66726 Chicago, Illinois, USA 60666-0726 Phone: (773) 894-2910 Fax: (773) 894-2916	<b>Newark - Designated</b> 1210 Corbin St SeaLand Bldg, 2nd Fl. Elizabeth, New Jersey, USA 07201 Phone: (973) 645-5910 Fax: (973) 645-6533
<b>Dallas/Ft. Worth - Designated</b> P.O. Box 610069 DFW Airport, Texas, USA 75261-0069 Phone: (972) 574-3254 Fax: (972) 456-0811	<b>Nogales</b> 9 N. Grand Avenue #2229 A Nogales, Arizona, USA 85621 Phone: (520) 287-4633 Fax: (520) 287-4604
<b>Denver</b> Rocky Mtn. Arsenal #128 Commerce City, Colorado, USA 80022 Phone: (303) 287-2110 Fax: (303) 287-1570	<b>Portland - Designated</b> P.O. Box 55206 Portland, Oregon, USA 97238 Phone: (503) 231-6135 Fax: (503) 231-6133
<b>Detroit</b> Detroit Metro Airport - International Terminal Mezzanine Level Room 221 Detroit, Michigan, USA 48242 Phone: (734) 941-6801 Fax: (734) 941-6902	<b>San Diego</b> 185 West F Street, Room 440 San Diego, California, USA 92101 Phone: (619) 557-5794 Fax: (619) 557-2997

<b>Dunseith</b> U. S. Highway 281 @ Canadian Border Dunseith, North Dakota, USA 58329 Phone: (701) 263-4462 Fax: (701) 263-4463	<b>San Francisco - Designated</b> 1633 Old Bayshore Hwy., Ste. 248 Burlingame, California, USA 94010 Phone: (650) 876-9078 Fax: (650) 876-9701
<b>El Paso</b> Bota, 3600 E. Paisano, #142A El Paso, Texas, USA 79905 Phone: (915) 534-6660 Fax: (915) 532-4776	<b>Seattle - Designated</b> 2580 South 156th Street Seattle, Washington, USA 98158 Phone: (206) 764-3463 Fax: (206) 764-3485
<b>Great Falls</b> P.O. Box 3172 Great Falls, Montana, USA 59403-3172 Phone: (406) 453-5790 Fax: (406) 453-3657	<b>St. Paul/Minneapolis</b> HHH Terminal 7100 34th Avenue S. Minneapolis, Minnesota, USA 55450 Phone: (612) 726-6302 Fax: (612) 726-6303
<b>Guam</b> P.O. Box 23774 - GMF Barriagada, Guam, USA 96921 Phone: (671) 647-6064 Fax: (671) 647-6068	<b>Tampa</b> 9549 Koger Blvd. #111 St. Petersburg, Florida, USA 33702 Phone: (727) 570-5398 Fax: (727) 570-5450

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